

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
DIVISION OF REGULATORY SERVICES**

**CHAPTER 0080-6-25
CIVIL PENALTY MATRIX**

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0080-6-25- Civil Penalty Matrix Pursuant to Lawful Proceeding Respecting Licensing
.01

0080-6-25-.01 CIVIL PENALTY MATRIX PURSUANT TO LAWFUL PROCEEDING RESPECTING LICENSING

Offense		Penalty				
		1st	2nd	3rd	4th	5th
(1)	Any person and/or firm who knowingly introduces into the State any live or reproductive stages of insect, disease, virus, or any other plant pest or pest plant injurious to the agriculture environment.	\$500	\$500	\$500	\$500	\$500
(2)	Any person and/or firm who refrains from providing full information to an authorized agent as to the origin and sources of insects, disease organism, or species of articles in their possession likely to carry insects, plant pests, and/or plant diseases.	\$500	\$500	\$500	\$500	\$500
(3)	Any person and/or firm who refuses an authorized agent entry to inspect plant(s), plant parts, plant products, or other articles or things that may be, in the opinion of the authorized agent, capable of disseminating or carrying insects, pest plants, plant pests, and/or plant diseases.	\$500	\$500	\$500	\$500	\$500
(4)	Any person and/or firm who has plant stock governed by the Plant Pest Act that is sold, offered for sale, or transported within or into the State of Tennessee before it has been inspected by an authorized agent and does not have a valid copy of a state certificate of inspection affirming said stock has been inspected and is apparently free of insects, plant pests, and plant diseases.	Warning	\$500	\$500	\$500	\$500
(5)	Any person and/or firm whose plant stock is shipped, sold, delivered, and/or transported for sale in this State that does not have a certificate or tag(s) that bears a copy of the valid certificate covering such stock.	Warning	\$100	\$250	\$500	\$500
(6)	Any person and/or firm whose nursery grown	\$500	\$500	\$500	\$500	\$500

(Rule 0080-6-25-.01, continued)

	plants and native wild collected plants are being packaged in such manner(s) as to falsify the classes of stock contained in the packages(s).					
(7)	Any person and/or firm whose plant stock is shipped under an expired certification.	Warning	\$100	\$250	\$500	\$500
(8)	Any person and/or firm whose plant stock is shipped under false certification.	\$500	\$500	\$500	\$500	\$500
(9)	Any person and/or firm who sells, trades, and/or delivers plants that are not in a viable condition.	Warning	\$100	\$250	\$500	\$500
(10)	Any person and/or firm who does not maintain their plant stock in a viable condition.	Warning	\$100	\$250	\$500	\$500
(11)	Any person and/or firm whose plant stock offered for sale or transported within or into the State and not properly labeled with scientific and/or approved common name, which may render stock not true to name.	Warning	\$100	\$250	\$500	\$500
(12)	Any person and/or firm who (knowingly) receives plant stock that does not meet the requirement(s) of the Plant Pest Act.	\$500	\$500	\$500	\$500	\$500
(13)	Any person and/or firm who sells, offers for sale, stores and/or holds for sale, and/or transports into or within the State strawberry plant(s) that does/do not meet the requirement(s) of the Regulations Governing Strawberry Plant Growers and Dealers	Warning	\$100	\$250	\$500	\$500
(14)	Any person and/or firm who offers for sale, stores or holds for sale, and/or transports within or into the State turfgrass sod that has not been inspected and approved By the Tennessee Department of Agriculture and does not have with the turfgrass sod a copy of the non-certified sod permit, certified sod certificate, or nursery certificate covering said sod.	Warning	\$100	\$250	\$500	\$500
(15)	Any person and/or firm who moves soil, live organisms, and/or materials capable of harboring insect(s), and/or plant disease pest(s) without a permit from the Tennessee Department of Agriculture.	Warning	\$100	\$250	\$500	\$500
(16)	Plants, soil, or material infected with harmful organisms and not treated and/or used in accordance with the Department of	\$250	\$500	\$500	\$500	\$500

(Rule 0080-6-25-.01, continued)

Agriculture.					
(17)	Any person and/or firm who violates a plant and/or quarantine or compliance agreement.	\$500	\$500	\$500	\$500
(18)	Any person and/or firm who interferes with an authorized representative of the Tennessee Department of Agriculture in the performance of his/her duties.	\$500	\$500	\$500	\$500
(19)	Any person and/or firm who fails to maintain such records as are necessary to demonstrate that plants sold, displayed for sale, held or transported were in fact secured from certified sources.	Warning & seven days to comply	\$50	\$100	\$250
(20)	Any person and/or firm who sells, moves, delivers, or destroys seized plant stock or plant stock being grown under detention (until released) by the Tennessee Department of Agriculture, or treats plant stock with any chemical(s) until authorized by the Tennessee Department of Agriculture.	\$500	\$500	\$500	\$500
(21)	Any person and/or firm who sells, offers for sale, or moves plants without having first secured a Nursery and Plant Dealer's Certificate.	Warning & seven days to comply	\$100	\$250	\$500
(22)	Any person and/or firm that does not pay certification fees due the State	Warning & seven days to comply	\$250	\$500	\$500
(23)	Any person and/or firm that changes any inspection report left by an inspector or the Tennessee Department of Agriculture	\$500	\$500	\$500	\$500
(24)	Any person and/or firm that violates any provisions of TCA 43-6-101 et. Seq. and/or its rules and regulations, for which a civil penalty is not otherwise set shall be subject to the following:	Warning	\$250	\$500	\$500

Authority: T.C.A. §§4-3-204; 43-6-104; 43-6-106 through 43-6-109 and 43-6-112. **Administrative History:** Original rule filed May 27, 1999; effective September 28, 1999.